

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10796 OF 2019

M/s Shastri Chemist & Provision ...Petitioner

V/s.

The State of Maharashtra & Anr. ...Respondents

Mr. Abhishek Singh h/for Mr. Pankaj R. Dubey for
Petitioner.

Mr. C.D. Mali, AGP for State of Maharashtra

CORAM: MADHAV J. JAMDAR, J.

DATE: 22nd August 2023

P.C.:

1. By the present Writ Petition filed under Articles 226 and 227 of the Constitution of India, the Petitioner is impugning the order dated 11th September 2019 passed by the Hon'ble Minister, Food and Drugs Administration, Department of the State of Maharashtra. The Assistant Commissioner (Zone-5) and the Competent Authority, Food & Drugs Administration, Mumbai by order dated 28th June 2019 suspended the license of the Petitioner's Chemist shop for a period of 80 days under the provisions of Drugs and Cosmetics Act, 1940. The said decision was challenged by the Petitioner before the Hon'ble Minister and

the Hon'ble Minister has reduced the duration of suspension of said licence from 80 days to 30 days.

2. It is the contention of the Petitioner that his pharmacist went to his native place as his grandmother expired and during that period, Officer of Respondent No.2 inspected medical shop and found that the pharmacist was absent.

3. It is an admitted position that even before the impugned order dated 28th June 2019 was passed, the Petitioner kept the Chemist shop closed for 10 days.

4. The Hon'ble Minister has in the impugned order found substance in the contention of the Petitioner and therefore reduced the said period of 80 days to 30 days. However, learned Advocate appearing for the Petitioner is right in contending that once the Hon'ble Minister accepts the explanation, he should not have continued the suspension for any period.

5. Accordingly, the impugned order dated 11th September 2019 passed by the Hon'ble Minister, Food & Drugs Administration as well as order dated 28th June 2019 passed by the Assistant Commissioner, Food & Drugs Administration are quashed and set aside.

6. At this stage, learned Counsel appearing for the Petitioner states that in any case now a new license is issued to the Petitioner.

7. Accordingly, the Writ Petition is allowed in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)